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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,823	09/17/2003	Blaise L. Corbett	84382	8914
23501	7590	07/27/2005		
NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION OFFICE OF COUNSEL, CODE XDC1 17320 DAHLGREN ROAD DAHLGREN, VA 22448-5110				EXAMINER NGUYEN, TAI T
				ART UNIT 2632 PAPER NUMBER

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/666,823	CORBETT ET AL.	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-21 is/are allowed.
- 6) Claim(s) 1,8,10,22 and 25 is/are rejected.
- 7) Claim(s) 2-7,9,23,24,26 and 27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because all numeric blocks need to be labeled with descriptive legends according to 37CFR 1.84(o). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-9 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, applicant is required to clarify where in the specification discloses "a binary word included in the CW unmodulated signals." Examiner believes that the binary word being generated by a rectifier bank after receiving a noise-free CW signals, thus the binary word is not included in the CW unmodulated signals as claimed. The rejection of claims 8-9 is based on the best understood in view of the rejections under USC 112, 2nd paragraph.

Regarding claim 22, applicant is required to clarify where in the specification discloses "a first circuit to provide an indication that the plurality of CW frequencies....." Examiner could not find any indication in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 8, 10, 22, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Scott et al. (US 2004/0132406).

Regarding claim 1, Scott et al. disclose a far filed radio frequency identification (RFID) tag (14, figure 1) responsive to a plurality of continuous wave (CW), unmodulated signal selected from frequencies comprising a predetermined frequency bank, the RFID tag including a power source (36) supplying power to the RFID tag (see abstract and paragraphs 18-22 and 27).

Regarding claim 8, Scott et al. disclose a method of operating a far field RFID tag (14) responsive to a plurality of continuous wave (CW), unmodulated signal selected from frequencies comprising a predetermined frequency bank (paragraphs 18-22);

identifying a binary word in the form of a composite signal responsive to the noise-free unmodulated CW signals (paragraph 39);

comparing the binary word to a tag identifier for the RFID tag programmed into a logic circuit (33, figures 2-3)

outputting information distinguishing the RFID tag from similar RFID tag when the binary word matches the tag identifier (paragraphs 30-33).

Regarding claim 10, Scott et al. disclose a far filed radio frequency identification (RFID) tag and tracking system (10, figure 1) employing a plurality of continuous wave (CW), unmodulated signal selected from frequencies comprising a predetermined frequency bank, the system including a RFID reader (12) generating a group of CW unmodulated signals (18) corresponding to a RFID tag (14) and receiving a tag identification (ID) signal (20) sequence uniquely identifying the RFID tag, wherein the tag including a power source (36) supplying power to the RFID tag (see abstract and paragraphs 18-22, 27, and 33-34).

Regarding claim 22, Scott et al. disclose a far field radio frequency identification (RFID) tag (14) having a binary identification in the form of a tag identification, comprising:

an antenna (30) to receive a plurality of different, unmodulated, continuous wave (CW) electromagnetic frequency from an interrogator (12, see abstract and figure 1);

a first circuit in the form of a conditioning circuit (32) to provide an indication that the plurality of unmodulated CW frequencies together correspond to the binary identification (figure 3A); and

a second circuit in the form of a communication circuitry (33) to send a message to the interrogator in response to the indication (paragraphs 28-31).

Regarding claim 25, Scott et al. disclose a far field radio frequency identification (RFID) tag system (10, figure 1), comprising:

an interrogator (12) to transmit a plurality of different, unmodulated, continuous wave (CW) electromagnetic frequencies that corresponding to a binary identification (see abstract and paragraphs 20, 27, and 33); and

an RFID tag (14) corresponding to the binary identification to receive the plurality of different, unmodulated, continuous wave electromagnetic frequencies and to transmit a message to the interrogator in response to the received frequency (paragraph 34).

Allowable Subject Matter

6. Claims 2-7, 9, 23-23, and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 11-21 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tai T. Nguyen
Examiner
Art Unit 2632

July 14, 2005